

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41953 of 2016

Arising Out of PS.Case No. -59 Year- 2016 Thana -KHAJEKALA District- PATNA

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Karu Paswan @ Karu Bhagat Son of Late Ramdeo Paswan, Resident of
Village- Gharioyari Gali, P.S. Khejakala District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sudish Kumar, Advocate.

For the Opposite Party : Mr. Amit Kumar Rakesh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-12-2016 Heard both sides.

The petitioner seeks bail in Khajekala P.S. Case No. 59 of 2016, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that Pawan Paswan threw remaining foods on the body of Shishupal Paswan. Shishupal Paswan protested on such Karu Paswan @ Karu Bhagat, the petitioner, along with his four sons namely Pawan Paswan, Sanjay Paswan, Vishal Paswan and Vishnu Paswan entered into the house and assaulted Shishupal Paswan with stick but the neighbours pacified the quarrel. Wife of Shishupal Paswan informed about the occurrence to her father Mahendra Paswan. On such, Mahendra



Paswan the father-in-law of Shishupal Paswan and other family members namely Kalpi Devi, Chotu Paswan, Renu Devi came to see Shishupal Paswan but thereafter again Karu Paswan @ Karu Bhagat, Pawan Paswan, Sanjay Paswan, Vishal Paswan and Vishnu Paswan and eight others came and assaulted the informant and others. Karu Paswan @ Karu Bhagat and his four sons made indiscriminate firing in which the informant, Shishupal Paswan, Pawan Kumar, Kalpi Devi, Shanti Devi, Mahendra Paswan were seriously injured and Chotu Paswan died.

Learned counsel for the petitioner submits that, of course, Kallu Paswan alleged that the petitioner and his four sons made indiscriminate firing but Mahendra Paswan the father-in-law of Shishupal Paswan alleged in paragraph-47 of the case diary that on the order of Karu Paswan @ Karu Bhagat, the petitioner and others made indiscriminate firing. Kallu Thathera @ Mallu Thathera @ Mukesh Kumar one of the co-accused has already been granted bail vide order passed in Cr. Misc. No. 31338 of 2016 on 04.10.2016.

It appears that the case of the petitioner is quite different. Kallu Thathera @ Mallu Thathera @ Mukesh Kumar was granted bail as there was no allegation of firing against him. There is very specific allegation against the petitioner that he



along with his four sons made indiscriminate firing causing death of Chotu Paswan and many others got firearm injury.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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